

Planning Commission Communication

Department Community Development CASES #SUB-17-007, ZC-17-005 and PR-17-003 Applicant/Owner: 92 Investments LLC 22735 James Drive Council Bluffs, IA 51503 Representative: John Jerkovich 535 West Broadway, Suite 100 Council Bluffs, IA 51503 Other: Immanuel Pathways Rhonda Distefano 1044 N 115 th Street, Suite 500 Omaha, NE 68154	Resolution No. Resolution No. Ordinance No.	Planning Commission: 9/12/2017
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Subject/Title

Request: Preliminary plan approval for a 39-lot residential subdivision to be known as New Horizon Subdivision, Replat 2, being a replat of Lot 2, New Horizon Subdivision, Replat 1; and 2) to rezone said property from R-1/Single-Family Residential District to R-2/Two Family Residential District and R-3/Low Density Multi-Family Residential District; and 3) to append a PR/Planned Residential Overlay and adopt the associated development plan over the same.

Location: East of Valley View Drive and south of College Road.

Background/Discussion

The Community Development Department has received applications from 92 Investments, LLC, represented by John Jerkovich, for preliminary plan approval for a 39-lot residential subdivision to be known as New Horizon Subdivision, Replat 2, being a replat of Lot 2, New Horizon Subdivision, Replat 1; and 2) to rezone said property from R-1/Single-Family Residential District to R-2/Two Family Residential District and R-3/Low Density Multi-Family Residential District; and 3) to append a PR/Planned Residential Overlay and adopt the associated development plan over the same.

Case #SUB-17-007:

The proposed New Horizon Subdivision, Replat 2 is comprised of 21.82 acres of undeveloped land that is located east of Valley View Drive and south of College Road. The applicant and Immanuel Pathways propose to co-develop the land in two phases with 39 residential lots. Phase A (being the eastern 12.29 acres) will be developed with a new senior living facility (apartments) by Immanuel. Phase B (being the western 9.53 acres) will be developed with 32 attached single-family dwellings by the applicant.

The following comments were provided for the proposed subdivision request:

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, 'but is deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee

- and the final plat' (§14.11.060.04-Subdivision Ordinance). A final plat application for the first phase must be filed within one year of the date of action by the City Council. A request for extension may be made by the sub-divider in writing prior to the expiration date. One year extensions are considered by the City Planning Commission. Subsequent phases are automatically granted a one year extension.
2. Phase A is comprised of four lots ranging in size from 1.56 acres to 4.13 acres. Immanuel proposes to build senior living apartments on Lots 1 through 3 in three separate phases. Lot 4 directly abuts the Interstate 80 right-of-way and will not be developed due to topographical constraints. Phase B is comprised of 32 residential lots and three outlots. The applicant proposes to build attached single-family residential dwellings on Lots 5 through 36 and regional stormwater detentions basins on Outlots A through C.
 3. The proposed subdivision is currently zoned R-1/Single-Family Residential District. The applicant proposes to rezone Lots 1 through 4 from R-1 District to R-3/Low Density Multi-Family Residential District and to rezone Lots 5 through 36 and outlots A through C from R-1 District to R-2/Two Family Residential District. The applicant also proposes to append a Planned Residential Overlay to the subject property, which is necessary to allow attached single-family residential dwellings in an R-2 District (see Case #ZC-17-005).
 4. Lots 1 through 4 in Phase A comply with minimum R-3/Low Density Multi-Family Residential District lot size requirements. Seventeen lots in Phase B (5,8,9,10,12,14,15,17,18,19,20,21,22,24,27,28 and 34) do not meet minimum R-2/Two Family Residential District lot size requirements. Additionally, there are four lots (9, 10, 24 and 34) that are likely to exceed the maximum 35% lot coverage standard of the R-2 District when a future dwelling is built upon them due to their size. Reduced lot size standards and increased lot coverage for the subdivision will be addressed with associated Planned Residential Overlay (see Case #PR-17-003).
 5. Lots 1, 2 and 4 have direct access to College Road. Lot 3 is landlocked and will be accessed by an easement through Lots 1, 2, and 4. The location and size of said access easement must be shown on the final plat. Lots 5 through 36 will directly abut a new public street, which will be constructed by the applicant and dedicated to the City of Council Bluffs. The new street name must be stated on the final plat.
 6. The subdivision is located in a Flood Zone X as per FEMA Map #19155C0418F, dated April 16, 2013.
 7. All lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.)
 8. Council Bluffs Water Works stated the applicant must enter into a water main extension agreement before any water service is permitted to the new parcels. CBWW is not opposed to the extension of the water main along the entire development at this time, but only requires that the water main be extended along the entire frontage of the lot that is currently being developed.
 9. MidAmerican Energy Company has acknowledged that there are electric distribution facilities in the vicinity of the project, but there have been no agreements finalized at the time of this report.
 10. The Iowa Department of Transportation stated their only concern with this proposal would come from embankment encroachment in the area if Interstate 80 is widened.
 11. The Council Bluffs Fire Marshall references the 2015 International Fire Code Chapter D107.1, which limits the number of dwelling units to 30 when only one access road exists. The applicant will be required to adhere to these standards.
 12. The City of Council Bluffs Public Works Department stated the following:
 - a. Cul-de-sac is within the maximum length allowed by city standards, and the radius is acceptable, but the paving width needs to be corrected to 26 feet instead of the shown 25 feet.
 - b. The Public Works Department will work with the Project Engineer for the final standards of the drainage study.
 - c. Utility easements are shown at 20 feet wide, which is the minimum required, but should be studied to determine if the width needs to be increased.
 - d. Conceptual post construction stormwater management measures should be completed, as well as, the stormwater basin outlet effect on areas downstream.
 - e. An Iowa Department of Natural Resources (IDNR) General Permit #2 is required for the grading of this project as well as an erosion control plan.
 - f. The sanitary sewer extension can be phased unless an upstream user needs the sewer to be available.
 - g. Retaining wall plans and calculations are required for all walls greater than four feet in height.
 - h. The street currently shown as "Street A" must be named on the final plat.

13. All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
14. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each residence. Sidewalk installation along the frontages of outlots shall be completed at the time of road construction.
15. All future street lights shall meet Public Works Department standards. All costs associated with the installation of street lights shall be the responsibility of the developer and not the City.

The following attachments for this request are included with the staff report for reference purposes:

Attachment A: Letter of intent prepared by Olsson Associates for New Horizon Subdivision, Replat 2

Attachment B: Preliminary subdivision plan

Attachment C: Soil and drainage report

CASE #ZC-17-005

The subject property is comprised of 21.82 acres of undeveloped land. In 2005, a previous owner (New Horizon Presbyterian Church) rezoned the subject property from A-2/Parks, Estate and Agricultural District to R-1/Single-Family Residential District as part of the approval for the New Horizon Subdivision (see Cases #SUB-06-004 and ZC-06-002). The subdivision was intended to be developed with a mixture of commercial and residential uses.

The applicant proposes to rezone the eastern 12.29 acres (Lots 1 through 4) from R-1/Single-Family Residential District to R-3/Low Density Multi-Family Residential District and to rezone the western 9.53 acres (Lots 5 through 36 and Outlots A through C) from R-1 District to R-2/Two Family Residential District. The purpose of the rezoning is to allow Immanuel to build a senior living facility (apartments) on Lots 1 through 4 and for the applicant to construct attached, single-family residential dwellings on Lots 5 through 36.

Surrounding zoning in the general vicinity of the request includes R-1/Single-Family Residential District to west and R-3/Low Density Multi-Family Residential District to the south. Properties located north of College Road belong to the Iowa Western Community College and are zoned A-2/Parks, Estate and Agricultural District. Existing land uses include Iowa Western Community College to the north, undeveloped land to the south, Interstate 80 right-of-way to the east and St. Patrick's Catholic Church to the west.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as Rural Residential/Agricultural. Two-family and multi-family residential uses are generally not consistent with this land use designation. However, when the property was rezoned from A-2 District to R-1 District, the future land use plan of the 1994 Comprehensive Plan designated the property as future residential. The proposed attached, single-family and senior multi-family residential uses are compatible with the intent and purpose of the R-2 and R-3 Districts and are consistent with the development activity occurring in said area of the City.

Public notices were mailed to all property owners within 200 feet of the request. No comments have been received as of the date of this report.

All City departments and local utilities were notified of the proposed development request. The City also notified the Iowa Department of Transportation (IDOT) about the project as the subject property is located within the Council Bluffs Interstate System Corridor Preservation Zone. No adverse comments for the rezoning have been received as of the date of this report.

The following attachment for this request is included with this staff report for reference purposes:

Attachment D: Location/zoning map

CASE # PR-17-003

Section 15.28.010, *P-R/Planned Residential Overlay*, *Statement of Intent* of the Council Bluffs (Municipal Code) Zoning Ordinance states "the planned residential overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of the requirements of the underlying zone would not be inconsistent with the Comprehensive Plan or harmful to the neighborhood in which it is located". The applicant proposes to append a Planned Residential Overlay to this subdivision in order to plan the design and layout of senior living facility on Lots 1 through 4 and to build 32 attached, single-family residential dwellings on Lots 5 through 36. The property located immediately south of this subdivision has an approved Planned Residential Overlay for a 146 unit senior living facility (Case #PR-17-002, Ordinance No. 6287).

The following development standards shall apply to the subject property:

1. Site Development

- a. For Lots 1 through 4 of Phase A, Immanuel has proposed to arrange their senior living facility in a 'campus-style' setting with interconnecting buildings, and shared off-street parking, landscaping and stormwater management. For zoning setbacks for this phase shall be based on the common property lines. Therefore, the property line that abuts College Road right-of-way shall be considered a front yard for the entire development. The east property line which abuts Phase B and the west property line which abuts Interstate 80 right-of-way shall be considered side yards for the entire development. All building setbacks, heights and lot coverages shall comply with standards stated in Chapter 15.10 *R-3/Low Density Multi-Family Residential District* of the Municipal Code (Zoning Ordinance). The submitted development plan shows all buildings will comply with R-3 District site development standards.
- b. Lots 5, 8, 9, 10, 12, 14, 15, 17, 18, 19, 20, 21, 22, 24, 27, 28 and 34 in Phase B do not meet minimum R-2/Two Family Residential District lot width requirement of 50 feet. Lots 5, 17, 18, 19, 20, 21, 22, 27 and 28 exceed the maximum allowed 3:1 lot depth to width ratio, as stated in Chapter 14.14, *Subdivision Design and Required Improvements* of the Municipal Code (Subdivision Ordinance). The Community Development Department recommends that said lots be approved, as proposed, as their size will not be harmful to the neighborhood in which they will located in and the request is consistent with the intent of the Planned Residential Overlay, as stated above.
- c. Single-family dwellings built on Lots 9, 10, 24 and 34 in Phase B are likely to exceed the maximum 35% lot coverage standard due to the building footprint and lot size. The Community Development Departments recommends a maximum 40% lot coverage for Lots 5 through 36 in Phase B as the increase lot coverage will ensure a consistent building design in the subdivision and is consistent with the intent of the Planned Residential Overlay, as stated above.
- d. All attached, single-family residential dwellings on Lots 5 through 36 shall comply with the development standards stated in Chapter 15.09 *R-2/Two Family Residential District* of the Municipal Code (Zoning Ordinance).
- e. A sidewalk that connects the senior living facility buildings, parking lots and outdoor recreational areas is shown on the development plan. Additionally, the development plan shows a sidewalk connection with College Road. The sidewalks shall be installed with the completion of Phase I of the development. Sidewalk connections to future building additions may be completed with their respective construction phasing
- f. All trash enclosures for the senior living facility shall be enclosed on three sides and screened from public view with materials similar to those of the primary building. The enclosure shall also have a lock gate which when closed completely eliminates view of the dumpster.
- g. All fencing in the subdivision shall comply with the standards stated in Section 15.24.040, *Fence regulations* of the Council Bluffs Municipal Code (Zoning Ordinance). All outdoor garden areas used by the senior living facility may be enclosed with a maximum eight-foot tall fence, as measured from finished grade.
- h. All site lighting shall comply with the standards stated in Section 15.24.050, *Lighting controls* of the Council Bluffs Municipal Code (Zoning Ordinance).

2. Off-Street Parking

- a. The required number of off-street parking spaces for the senior living facility and attached single-family residential dwellings shall be based on the standards stated in Section 15.23.060, *Parking spaces required*, of the Municipal Code (Zoning Ordinance).
 - i. Attached single-family residential dwellings: Two spaces per dwelling unit. Each dwelling unit will be constructed with at least a two-stall garage, as per the submitted architectural renderings.
 - ii. Senior Living Facility: 1 space/1 bedroom units and 1.5 spaces/2 bedroom units. Phase 1 consists of a three-story building with a total of 28 one-bedroom units (28 parking stalls required) and 28 two-bedroom units (42 parking stalls required). Phase 2 will be constructed with the exact same design as Phase 1. Phase 3 is comprised of a 45,000 square foot building but the total number of units are unknown at this time. The submitted development plan shows all required off-street parking will be provided on a phased basis.
- b. All parking/loading areas, driveways and drive aisles shall comply with the standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading* of the Municipal Code (Zoning Ordinance).
- c. All off-street parking shall comply with the Parking for Persons with Disabilities Chapter of the Iowa Administrative Code.
- d. All parking lots and drive aisles shall be landscaped in accordance with the proposed landscaping plan.

3. Landscaping

- a. The applicant did not provide a landscaping plan for the attached, single-family residential dwellings on Lots 5 through 36 in Phase B. The Community Development Department recommends that one ornamental street tree be planted along the frontage of each lot at the time a dwelling unit is constructed.
- b. The proposed landscaping plan for Lots 1 through 4 in Phase A shows a mixture of perennials, deciduous trees/shrubs, coniferous shrubs and native sod/grasses being planted throughout the property. The proposed landscaping plan is generally acceptable, with the following conditions:
 - i. An automatic underground irrigation system shall be provided to water all landscape areas.
 - ii. The proposed hardwood mulch and river rock shall be limited to only the areas shown on the landscaping plan.
 - iii. Landscaping shall be installed with the completion of each project phase.

4. Architecture

- a. The submitted architectural renderings for the attached, single-family residential dwellings are generally acceptable. Each unit will be slab on-grade and limited to one-story in height. Each dwelling unit will either have a two-stall or three-stall garage for off-street parking.
- b. The submitted architectural renderings for the senior living facility are generally acceptable. The building will vary in height from one-story to three-stories with a maximum height of approximately 40 feet, measure from finished grade. All roof-top mechanical units are proposed to be screened from view with a parapet wall. Exterior building walls are proposed to be constructed out a combination of brick masonry and cement fiberboard. All building construction, materials and design shall be consistent with the proposed development plan.

5. Signage

- a. A signage plan was not submitted with the development plan. All signage (detached and attached) shall comply with Section 15.33.160(03), *PR/Planned Residential District, Signs* of the Municipal Code (Zoning Ordinance).

The following attachments for this request are included with this report for reference purposes:

Attachment E: Letter of intent and planned residential development plan by HGM Associates for the attached single-family residential dwellings on Lots 5 through 36.

Attachment F: Letter of intent and planned residential development plans for Immanuel Senior Housing.

Recommendation

The Community Development Department recommends the following for land legally described as Lot 2, New Horizon Subdivision, Replat 1:

1. Preliminary plan approval for a 39-lot residential subdivision to be known as New Horizon Subdivision, Replat 2, being a replat of Lot 2, New Horizon Subdivision, Replat 1, as shown in Attachment B, subject to compliance with all above stated comments and the following conditions:
 - a. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but is 'deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04- Subdivision Ordinance).
 - b. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.
 - c. An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
 - d. All utilities shall be installed underground.
 - e. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a certificate of occupancy for each house. Sidewalks along the frontage of Outlot A shall be installed with the construction of the new public street. Sidewalks for the Immanuel senior living facility shall be completed with each phase.
2. Approval to rezone proposed Lots 1 through 4, New Horizon Subdivision, Replat 2 from R-1/Single-Family Residential District to R-3/Low Density Multi-Family Residential District and to rezone proposed Lots 5 through 36 and Outlots A through C from R-1 District to R-2/Two-Family Residential District on the basis that the request is consistent and compatible with existing zoning districts and land uses in the general vicinity of the request.
3. Approval to append a Planned Residential Overlay (PR) and to adopt the associated development plan for the proposed New Horizon Subdivision, Replat 2, as per Attachments E and F, subject to compliance with all above stated comments and the following conditions:
 - a. Approval to allow proposed Lots 5, 8, 9, 10, 12, 14, 15, 17, 18, 19, 20, 21, 22, 24, 27, 28 and 34 to have a lot width less than the required 50 feet in an R-2/Two Family Residential District and to allow proposed Lots 5, 17, 18, 19, 20, 21, 22, 27 and 28 exceed the maximum allowed 3:1 lot depth to width ratio, as stated in Chapter 14.14, *Subdivision Design and Required Improvements* of the Municipal Code (Subdivision Ordinance) on the basis that the lot sizes will not be harmful to the development of the neighborhood and is consistent with the intent Section 15.28.010, *P-R/Planned Residential Overlay, Statement of Intent* of the Council Bluffs (Municipal Code) Zoning Ordinance.
 - b. Approval to allow a maximum 40% lot coverage for Lots 5 through 36 on the basis the lot coverage will not be harmful to the neighborhood and is consistent with the intent Section 15.28.010, *P-R/Planned Residential Overlay, Statement of Intent* of the Council Bluffs (Municipal Code) Zoning Ordinance.

<p style="text-align: center;">Attachments</p> <p>Attachment A: Letter of intent prepared by Olsson Associates for New Horizon Subdivision, Replat 2</p> <p>Attachment B: Preliminary subdivision plan</p> <p>Attachment C: Soil and drainage report</p> <p>Attachment D: Location/zoning map</p> <p>Attachment E: Letter of intent and planned residential development plan by HGM Associates for the attached single-family residential dwellings on Lots 5 through 36.</p> <p>Attachment F: Letter of intent and planned residential development plans for Immanuel Senior Housing.</p>

<p>Engineers:</p> <p>Lucas Weatherly, P.E. Olsson Associates, 2111 S 67th Street, Omaha, NE 68106</p> <p>John Jorgenson, HGM Associates, 640 Fifth Avenue, Council Bluffs, IA 51501</p> <p>Prepared by: Christopher N. Gibbons, Planner and Chris Meeks, Planner</p>
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